

Barry McHugh
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U.S. COURTS

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CLERK
CANDACE S. BURKE
CLERK, IDAHO

Attorneys for Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

| | | |
|-----------------------|---|--------------------------|
| In Re: |) | Case No. 03-21652 |
| |) | |
| GERALD & ONA LINDSEY, |) | EX PARTE MOTION TO AMEND |
| |) | THE VOLUNTARY PETITION |
| Debtors |) | |
| |) | |
| |) | |

COMES NOW Ford Elsaesser, the Chapter 7 Trustee, by and through his attorney of record, Barry McHugh of Elsaesser JARZABEK ANDERSON MARKS ELLIOTT & MCHUGH, CHTD., and hereby moves the Court for an order amending the Voluntary Petition filed in this matter pursuant to Bankruptcy Rule 1009 to add to the Voluntary Petition entities which are owned by or under the control of, or who are alter egos for the Debtors in this matter, including:

Searchlight Trust
Mountain Property Management and Trust Company
National Holding Trust
Equitable Financial Services
River Mountain Ranch

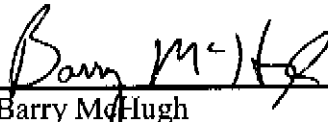
This motion is supported by the Declaration of Ford Elsaesser, Chapter 7 Trustee, filed herewith. During the Section 341 Hearing, the Trustee heard the testimony of the Debtors and was presented with evidence which leads him to conclude that the above-described entities have no legal basis. Further, the evidence presented shows that the Debtors transferred valuable

property into one or more of these entities, yet have no knowledge regarding the identity of the trustees who might be in control of the assets, nor do they have any knowledge regarding the eventual disposition of the valuable assets placed in trust by the Debtors.

The Debtors continue to enjoy the benefits of the property they transferred to these entities. They drive vehicles owned by one of the entities, which were purchased by the entities for the Debtors' use. They live in a house valued in excess of \$1 million which was designed by Mrs. Lindsey and built with funds provided by the Searchlight Trust. The Debtors pay no rent for the use of this residence, but claim that they live in the residence in exchange for caretaking duties. All utilities are paid by one of the entities. The nature and operation of these entities leads the Trustee to conclude that they are the alter egos of the Debtors, and should be included in the bankruptcy estate. Therefore, the Trustee respectfully requests an order to amend the Voluntary Petition to include these Entities therein.

DATED this 10TH day of March, 2004.

ELSAESSER JARZABEK ANDERSON
MARKS ELLIOTT & MCHUGH, CHTD.



Barry McHugh
Attorney for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2004, a true and correct copy of the foregoing EX PARTE MOTION TO AMEND THE VOLUNTARY PETITION was served upon the following in the manner indicated:

Ford Elsacsser
Chapter 7 Trustee
P.O. Box 2220
Sandpoint, ID 83864

☒ US Mail
☐ Overnight Mail
☐ Hand Delivered
☐ Facsimile

U.S. Trustee
304 N. 8th Street, Rm 347
Boise, ID 83702

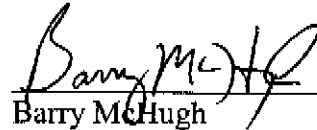
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Barry McHugh